

REMARKS

Claims 1, 5, 6 and 8 have been amended. Minor corrections have been made to the specification. A terminal disclaimer statement is also submitted. Reexamination and reconsideration are respectfully requested.

The Examiner objected to the figure for incorporating two embodiments. Accordingly, Applicants have amended Figure 1 and added a new Figure 2 to separately illustrate the embodiments. Corresponding amendments have been made to the specification.

As briefly mentioned during the personal interview conducted in U.S. Application Serial No. 09/920,294, which is a related application, Applicants have amended independent claims 1 and 8 to clarify that the means for arbitrarily preventing (claim 1) and the step of triggering an arbitrary prevention of the automatic activation of the parking brake (claim 8) is not the same operating parameter that automatically activates the parking brake.

In the Office Action, claims 1, 2, 8 and 9 were rejected as being anticipated by prior art admissions on page 2 of the application. Dependent claims 3, 4 and 10 were rejected as obvious over the admitted prior art in view of DE 198 01 064. Claim 7 was rejected as obvious over the admitted prior art in view of DE '064 and WO 00/37836. Reexamination and reconsideration are respectfully requested.

In contrast to Applicants' claimed invention, which includes means for arbitrarily preventing the electronic control unit from automatically activating the parking brake when said activation would otherwise occur based on the at least one specified operating parameter, neither the admitted prior art, DE '064

or WO '836 disclose such a feature. Applicants' clarification of claim 1 makes clear that the means for arbitrarily preventing the automatic activation cannot be the same means that automatically activates the parking brake. Hence, any argument that a door sensor and/or seat sensor described in the prior art for activating the parking brake cannot likewise meet the present claim language as a means for arbitrarily preventing the automatic activation. Moreover, as no means are described for arbitrarily preventing the automatic activation in the cited references, Applicants submit claim 1 is patentable thereover. Further, method claim 8 includes similar limitations and is also submitted to be patentable thereover.

Finally, claims 2-7 and 9-10 depend from claims 1 and 8, respectively, and are also submitted to be patentable.

Regarding the double patenting rejection, Applicants submit a terminal disclaimer herewith.

Regarding the formal objections/rejections, Applicants have amended the specification and drawings in order to address these issues as in the related application. And, regarding the §112, second paragraph rejection related to the phrase "startable without a mechanical key", Applicants point out that the claimed invention describes an electronic control unit and method for automatically activating a parking brake in a motor vehicle startable without a mechanical key. As pointed out, these preambles define the field of the invention as being those in motor vehicles that are startable without a mechanical key. In the Office Action, the reference to the magnetic card 19 functioning as a "key in the ignition" is not related to a vehicle being startable

without a mechanical key, as the magnetic card is clearly described and understood to be an electronic authorization verification device for starting the motor vehicle. Hence, Applicants submit the claims are definite.

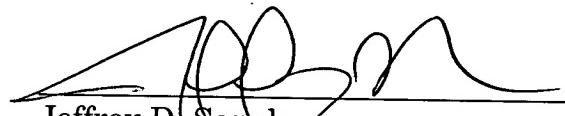
In view of the foregoing, Applicants submit claims 1-9 are now in condition for allowance. An early notice to that effect is solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #951/50202).

Respectfully submitted,

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